

**KANSAS STATE BOARD OF MORTUARY ARTS  
700 SW JACKSON, SUITE #904  
TOPEKA, KANSAS 66603-3733  
Wednesday-Thursday, July 13-14, 2011**

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**FORMAT OF MINUTES:**

On each motion there appear the names of two board members in a parenthesis. The first named made the motion, and the second named made the second. Ayes and Nays will be recorded at a voter's request.

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**Wednesday, July 13, 2011:**

- I. The Investigative Committee (IC) of the board met to discuss and make recommendations to the Board on open complaints. Those in attendance included: Charles R. Smith, Overland Park, Consumer; William H. "Bill" Young, Lake Quivira, Licensee; the Board's Litigation/Prosecuting Assistant Attorney General Steve Phillips; and Executive Secretary Mack Smith. Recommendations and Actions from this committee meeting are contained within these minutes.

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**Thursday, July 14, 2011:**

- II. The regularly scheduled meeting of the Kansas State Board of Mortuary Arts (KSBMA) was called to order by President Bill Young.

**Roll call** by Executive Secretary Mack Smith found the following board members in attendance: President William H. "Bill" Young, Lake Quivira, Licensee; Vice President Charles R. Smith, Overland Park, Consumer; and Board Member Fred G. Holroyd, Topeka, Licensee. Board Member Barry W. Bedene, Arma, was unable to attend. The board's Executive Secretary Mack Smith, and Assistant Attorney General Lisa Mendoza were in attendance. The board wished the very best to former consumer board member M. Diane Minear, who accepted a position with the Kansas Attorney General's Office in the Civil Litigation Division. To avoid any possible conflict of interest, Ms. Minear resigned her KSBMA board member position effective May 10, 2011. The board also wished former Assistant Attorney General Camille Nohe the very best as Ms. Nohe has retired. The board welcomed Assistant Attorney General Lisa Mendoza, who has been appointed by Attorney General Derek Schmidt as the attorney general's legal counsel to the KSBMA. A replacement for Ms. Minear has not yet been named by Governor Brownback.

The board noted this meeting's tentative agenda that is displayed on the agency's website at: <http://www.kansas.gov/ksbma/> under the heading of *Agency Information and Tentative Board Agenda*.

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(Smith-Holroyd) To approve a **final agenda** for this meeting. Carried.

(Holroyd-Smith) To adopt the **April 14, 2011 regularly scheduled board meeting minutes** as submitted. Carried. These minutes will be signed by President Young and Executive Secretary Smith then displayed on the board's website.

The board reviewed results of the written **funeral directors' examination** administered on **April 14, 2011** noting that **100% (eight of eight applicants)** were **successful**.

(Smith-Holroyd) To approve the **Board Update** as was presented by KSBMA Executive Secretary Smith at the **KFDA Annual Convention** on May 3, 2011 in Wichita, Kansas.

The board reviewed results of the written **assistant funeral directors' examination** administered in **May, June and July 2011** noting that **66.6% (six of nine applicants)** were successful. Since the law requiring examination for assistant funeral directors was enacted in 2008, **76.2% (63 of 78 applicants)** have successfully passed the examination.

The board reviewed the '**List of Licensure Applicants**' scheduled to interview with the board at this meeting, noting the following applicants scheduled to meet with the board: five (5) embalmer-funeral director applicants, two (2) funeral director applicants, two (2) reciprocal (Texas, West Virginia) embalmer-funeral director applicants, one reciprocal (Missouri) embalmer applicant and one (Missouri) reciprocal funeral director applicant for a total of eleven (11) applicants to meet with the board with ten (10) scheduled to be administered the written funeral directors' examination in conjunction with this meeting.

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- III.** The board **reviewed individual applications** for embalmer and funeral director licensure along with the executive secretary's summations of the applicant's apprentice and supervising licensee progress reports. Applicants for licensure will be interviewed later in this meeting. Funeral director applicants will be administered the written funeral directors' examination by Funeral Home/Crematory Inspector Francis Mills at 1:30 p.m. this afternoon in the Florentine Room of the Jayhawk Tower.

All quarterly progress reports of embalmer/funeral director apprentices and supervising licensees were summarized by the executive secretary with copies of the individual reports available for board review.

The board reviewed the first two quarter progress reports of an apprentice embalmer-funeral director.

(Holroyd-Smith) The board directed Executive Secretary Smith to write both the apprentice and supervising licensee regarding concerns with the lack of time spent in the area of funeral directing.

Copies of related correspondence from the April meeting were also reviewed.

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**IV. Legal Discussion: Individual Complaints/Investigations are listed numerically. The board did not necessarily take action in the order listed below:**

**Complaints and legal concerns:**

The board reviewed correspondence involving complaints resulting from action taken at the meeting of April 14, 2011.

**Information on open complaints:**

Assistant Attorney General Steve Phillips, the litigation attorney for the Board, joined the meeting.

The Board's Investigative Committee, which is composed of Board Members Young and C. Smith with legal assistance provided by Assistant Attorney General (litigation) Steve Phillips and administrative assistance by Executive Secretary Smith, met Wednesday, July 13, 2011 at 3:00 p.m. to discuss and make recommendations on open complaints. Investigative Committee recommendations are included with the following individual complaints.

**#10-20, #10-23, #10-25, #10-30, #10-33, #10-52 & #10-55**—While these files are closed, KSBMA Executive Secretary Smith worked with the Wichita Police Department (WPD) in obtaining the release of five (5) cremated remains that were housed with the WPD. One (1) cremated remains was given to the legal next of kin by Mr. Smith. The remaining four (4) cremated remains are being stored at Yoder Embalming Service (YES) in Wichita and will be returned to families or provided final disposition as directed by families. Mr. Smith told the board of the assistance provided at no charge by licensee Rick Yoder, and the board expressed their appreciation.

**#11-02 and #11-03**—(Holroyd-Smith) To close the file. Carried. Previously the board adopted the recommendations of the Investigative Committee to issue a Summary Order. The complaint involves unprofessional conduct with the funeral home failing to release a body as requested by the family and failing to issue an out-of-state transit permit. The licensee paid a \$100.00 fine with actions added to Board Actions on the KSBMA web site. Information will be added to the KSBMA web site following this meeting.

**#11-04**—(Holroyd-Smith) To approve the recommendations of the Investigative Committee to approve the consent agreement. Carried. Previously the board adopted the recommendations of the Investigative Committee for the Investigative Committee to issue a proposed consent agreement that if agreed to by the licensee would be presented to the Hearing Committee for their approval. The complaint involves unprofessional conduct with overcharging of cash advance items, forging a signature and use of a casket and outer-container not selected by the family. The licensee agreed to the Consent Agreement to suspend his funeral directors' license for one year with the suspension stayed based on conditions that the licensee pay a \$500.00 fine, returns \$937.62 to the family and obtains ten (10) additional hours of continuing education approved by Executive Secretary Smith in the area of ethics within nine (9) months. The licensee will be publicly censured on the KSBMA web site and cannot commit any other violations of the laws and regulations in the practice of funeral directing during the stay of suspension.

**#11-05**—(Holroyd-Smith) To close the file. Carried. There were no violations noted. The complaint involved unprofessional conduct.

**#11-06**—(Smith-Holroyd) To adopt the recommendations of the Investigative Committee of no violations but to notify the licensee that better attention to detail and better communication could have avoided the situation from occurring. Carried. The complaint involved unprofessional conduct relating to a billing situation.

**#11-09 & #11-10**—(Holroyd-Smith) To close the files. Carried. The complaints involved unprofessional conduct relating to the cremation process.

**#11-15**—(Smith-Holroyd) To adopt the recommendations of the Investigative Committee to close the file. Carried. Additional information requested by the KSBMA was not provided on this complaint involving unlicensed activity.

**#11-16**—(Smith-Holroyd) To adopt the recommendations of the Investigative Committee to advise the licensee that better attention to detail and better communication could have avoided the situation from occurring. Carried. The complaint involves failure to file death certificates in a timely fashion.

**#11-17**—(Smith-Holroyd) To adopt the recommendations of the Investigative Committee of no violations and to close the file. Carried. The complaint involves failure to file death certificates in a timely fashion.

**#11-18**—(Smith-Holroyd) To adopt the recommendations of the Investigative Committee to notify the complainant of no possible violations as the family was not solicited and made the change of funeral homes independently. Carried. The complaint involves at-need solicitation.

**#11-19**—No action necessary at this time.

**#11-20 & #11-21**—No action necessary at this time.

**#11-22**—No action necessary at this time.

**#11-23**—(Smith-Holroyd) To adopt the recommendations of the Investigative Committee and close the file. Carried. The complaint involves findings in a 2008 audit of prefinanced funeral agreements by the Kansas Secretary of State's Office.

**#11-24**—No action necessary at this time.

**#11-25**—(Smith-Holroyd) To adopt the recommendations of the Investigative Committee and close the file. Carried. The complaint involves findings in a 2008 audit of prefinanced funeral agreements by the Kansas Secretary of State's Office.

**#11-26**—(Smith-Holroyd) To adopt the recommendations of the Investigative Committee and close the file. Carried. The complaint involves findings in a 2008 audit of prefinanced funeral agreements by the Kansas Secretary of State's Office.

**#11-27**—(Smith-Holroyd) To adopt the recommendations of the Investigative Committee and close the file. Carried. The complaint involves findings in a 2010 audit of prefinanced funeral agreements by the Kansas Secretary of State's Office.

**#11-28**—(Smith-Holroyd) To adopt the recommendations of the Investigative Committee to transfer the complaint to the Consumer Protection Division of the Office of the Kansas Attorney General and close the file. Carried. The complaint involves the purchase of a headstone from a cemetery.

**#11-29**—(Smith-Holroyd) To adopt the recommendations of the Investigative Committee to close the file. Carried. The complaint involves findings in a 2010 audit of prefinanced funeral agreements by the Kansas Secretary of State's Office.

**#11-30**—(Smith-Holroyd) To adopt the recommendations of the Investigative Committee to close the file. Carried. The complaint involves the failure of a funeral home to provided documentation of a prefinanced funeral agreement to a different funeral home in a timely manner. The documentation has been provided after verification by the purchaser.

The Board reviewed and discussed a letter from Smith County Attorney Allen Shelton requesting an Attorney General's Opinion of the interpretation of KSA 65-1734 as amended by the 2011 Kansas Legislature in House Bill 2060 as it relates to KSA 16-301 et seq.

Assistant Attorney General Phillips left the meeting.

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## **V. Legislative Update**

The Board reviewed legislation from the 2011 Kansas legislative session, including a Final Roster of Bills Relating to Funeral Service and the KSBMA, including:

**Senate Bill 229**—Allows the KSBMA to keep 90% of fee funds collected beginning July 1, 2011—up from 80% currently collected. Passed the Senate, 39-0 and House, 121-0, was approved by Governor Brownback and became law upon publication in the Statute Book, July 1, 2011.

**House Bill 2060**—Concerns the disposal of decedents' remains and amends KSA 65-1734 to include information for members of the military. The bill passed the House, 118-0, the Senate, 39-0, was approved by Governor Brownback and became law upon publication in the Statute Book, July 1, 2011.

**House Bill 2083**—Was introduced by the KSBMA. Requires the funeral director in charge of a closing funeral home to notify individuals with prefinanced funeral agreements to select another funeral home and amends KSA 65-1713a. The bill passed the House, 117-1 and Senate, 39-0, was approved by Governor Brownback and became law upon publication in the Statute Book, July 1, 2011.

**House Bill 2121**—Amends KSA 65-2426a and the authority of coroners to issue coroner permits to cremate. The bill remains in the House Committee on Judiciary at this time but could be worked during the 2012 Kansas Legislative Session.

**House Bill 2240**—An act concerning cemetery corporations relating to cemetery merchandise contracts and permanent maintenance funds. Requested by the Kansas Secretary of State's Office. The bill passed the House, 109-10 and Senate, 39-0, has been approved by Governor Brownback and becomes law on January 1, 2012 and publication in the Statute Book.

**House Bill 2242**—An act concerning vital statistics relating to death and stillbirth certificates. The bill remains in the House Committee on Federal and State Affairs but could be worked during the 2012 Kansas Legislative Session.

**House Bill 2268**—An act concerning state agencies; relating to the collection of licenses, fees, charges, taxes and exactions. The bill remains in the House Committee on Government Efficiency but could be worked during the 2012 Kansas Legislative Session.

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## **VI. Board Business:**

- 1) (Holroyd-Smith) To approve the **quarterly lists of continuing education (CE.)** Carried. One list contains on-site programs, while the other contains correspondence/home study programs. Both of these lists of approved continuing education programs are regularly updated and are

- available on the board's web site on the internet and mailed quarterly to requesting licensees not having internet access.
- 2) (Smith-Holroyd) To approve the list of **lapsed licenses** as amended. Carried. The list is a part of these minutes and contains the names of individuals whose license renewals are past due for longer than six months, who have requested that their licenses be dropped, who have died or in the case of assistant funeral directors who are no longer employed at a funeral home under the supervision of a funeral director. The list reviewed by the Board included seven (7) assistant funeral director licenses, six (6) funeral director licenses, and four (4) embalmer licenses. This information is provided for a number of reasons, including use by the Office of Vital Statistics (OVS) for purposes of licensure verification used on death certificates.
  - 3) The board reviewed the list of **automatically suspended licenses**. This list contains the names of individuals who have not paid their license renewal fees by the appropriate due date and have not requested that their licenses be dropped. Once a license is six months in arrears, it is then automatically placed on the lapsed license list for purposes of being dropped. This list included four (4) embalmer licenses and seven (7) funeral director renewals due through June 30, 2011.
  - 4) (Holroyd-Smith) To approve the **FY 2011 fourth quarter** (April 1-June 30, 2011) **Report** and the **FY 2011 Final Report of Funeral Home/Crematory Inspector**, Francis F. Mills. Carried. 174 inspections were conducted during the quarter with five (5) embalming room violations noted. A total of 7,954 miles was traveled involving 49 counties. A new replacement agency vehicle was purchased from within the existing budget as a result of internal savings during the course of FY 2011. The previous vehicle had more than 125,000 miles on it at the time it was replaced.
  - 5) Reviewed the **current roster of apprentice embalmers and funeral directors**. A total of 36 apprentices are currently registered with the board at this time, including: twenty-two (22) embalmer-funeral directors, three (3) embalmers and eleven (11) funeral directors.
  - 6) Discussion of **news articles** relating to the funeral profession that has been provided to board members and legal counsel for their review.
  - 7) A reminder of the remaining regularly scheduled 2011 Board meeting date: October 13.
  - 8) (Holroyd-Smith) To approve the following **2012 Regularly Scheduled Board Meeting Dates: January 12, April 12, July 12 and October 11, 2012**. Investigative Committee Meetings will be scheduled for the day prior to the regularly scheduled board meeting unless otherwise noted.
  - 9) The board **signed travel vouchers**.

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## VII. Executive Secretary's Report:

- 1) **Budget Update—**
  - a) **FY 2011** (July 1, 2010 through June 30, 2011): The approved budgeted amount was \$272,940. The approximate amount spent was just less than \$260,000 (pending encumbrances needed to determine the actual amount spent), leaving approximately \$13,000 to be carried over in the agency's fee fund.

- b) **FY 2012** (July 1, 2011 through June 30, 2012): After cuts of \$1,579, the approved budget is \$273,660—an increase of \$720 from FY 2011's approved budget. This represents an increase of less than one (1.0) percent (0.237%) from FY 2011. With the passage of Senate Bill 229, all state fee funded agencies (which includes the KSBMA) will keep 90% of fee fund receipts (excludes fines) effective July 1, 2012. This will result in projected increased revenue of approximately \$32,000 in FY 2012 and \$30,000 in FY 2013—enough of an increase to avoid license fee increases, if projections remain stable. If this holds true, the agency should be able to go a minimum of eight (8) years without raising already established fees.
- c) At this time the approved KSBMA **FY 2013** budget is \$282,648—an increase of \$8,988, or 3.18% from FY 2012.
- 2) Updated information regarding the **International Conference of Funeral Service Examining Boards (ICFSEB)**.
  - 3) Updated information on the **Council on Licensure, Enforcement and Regulation (CLEAR)** was discussed. Mr. Smith has not attended the Annual Meeting of CLEAR in several years and once again will not do so at the upcoming 2011 Conference, titled “Promoting Regulatory Excellence” to be held in Pittsburgh, Pennsylvania in September.
  - 4) Updated information regarding the **Federation of Associations of Regulatory Boards (FARB.)**
    - a) Mr. Smith will not attend the 19<sup>th</sup> Annual Attorney Certification Seminar in Professional Law in Park City, Utah in late September/early October of 2011 in order to keep the agency's costs to a minimum.
  - 5) Updated information on the **Kansas Funeral Directors and Embalmers Association (KFDA.)**
    - a) Mr. Smith represented the KSBMA at the 2011 Annual KFDA Convention in May 2011 in Wichita and presented the *2011 Annual Board Update* on behalf of President Young, who was be unable to attend due to a scheduling conflict. KSBMA Funeral Home-Crematory Inspector Francis Mills also represented the KSBMA at the meeting.
    - b) Mr. Smith will provide a one-hour program on new laws as well as presenting a board update during the business portion of the six (6) upcoming 2011 KFDA Fall District Meetings. Mr. Mills will attend at least one meeting as his schedule allows.
  - 6) Information relating to the **board's Web Site**:  
<http://www.kansas.gov/ksbma/>
    - a) There were more than 31,000 successful requests on the web site in June 2011.
    - b) The new agency web site remains a work in progress due to several delays as well as the work load in the office.
  - 7) The board discussed information pertaining to the **National Funeral Directors Association (NFDA)**.
    - a) Mr. Smith will not attend the 2011 NFDA International Convention and Expo scheduled for late October in Chicago, Illinois in an effort to keep agency expenses to a minimum.
  - 8) Updated information from the **Federal Trade Commission (FTC)** regarding the **Funeral Rule** was discussed.
  - 9) Updated information from the **American Board of Funeral Service Education (ABFSE)** was discussed.
  - 10) Updated information from the **Cremation Society of North America (CANA)** was discussed. Inspector Mills represented the KSBMA at the Crematory Operator Certificate Program held on April 15, 2011, at



- Kansas City Kansas Community College (KCKCC.)
- 11) Updated information from the **Funeral Ethics Association (FEA)** was discussed.
  - 12) Updated information from the **Funeral Consumer Alliance (FCA)** was discussed—including their Spring 2011 Newsletter.
  - 13) Updated information from the **Funeral Consumer's Alliance of Greater Kansas City** was discussed—including their Summer 2011 FCA Report newsletter.
  - 14) Updated information from the **Funeral Ethics Organization (FEO)** was discussed.
  - 15) Updated information from the **American Society of Embalmers (ASE)** was discussed.
    - a) Mr. Smith will not attend the ASE's Annual Meeting scheduled for late October in Chicago, Illinois in an effort to keep agency costs to a minimum.
  - 16) Updated information from the **Kansas Department of Health and Environment (KDHE), Office of Vital Statistics (OVS)** was discussed.
    - a) Mr. Smith attended a committee meeting of the Electronic Death Registration System (EDRS) Project on June 21, 2011.
  - 17) Updated information from the **Kansas City Kansas Community College (KCKCC) Mortuary Science Program**—including information from a recent Advisory Board Meeting held at the college.
  - 18) Updated information from the **Kansas Mass Fatality Planning Task Force** was discussed.
  - 19) **SMART Financial Management System (FMS)** updated information was discussed—including information regarding FY 2011 Year End.
  - 20) Mr. Smith informed the board that the **agency office lease** is scheduled to expire August 31, 2012. The board instructed Mr. Smith to continue to provide the best office space possible at a fair cost to the agency.
  - 21) **Indigent Burials**—The board discussed an article in the Sunday, June 26, 2011-edition of the Wichita Eagle regarding the increased number of indigent burials in Sedgwick and other Kansas Counties. Mr. Smith said that the office receives phone calls regularly regarding any available funds for the burial and/or cremation of indigents—by consumers, funeral homes and other governmental agencies.

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### **VIII. Public Regulation Hearing**

President Young opened a public hearing at 10:30 a.m. to discuss proposed amendments to eight (8) current and three (3) proposed new regulations.

The *Public Meeting Notice* for these proposed regulations was published in the May 5, 2011-edition of the Kansas Register. Public comments include a copy of the letter dated June 6, 2011 resulting from the June 1, 2011 meeting of the Joint Committee of Administrative Rules and Regulations (JCARR) as well as emails and attachments from Donald G. Ray.

A copy of the regulations, economic impact statements to the proposed regulations, a copy of the June 6, 2011-letter from the JCARR, a copy of emails and attachments submitted by Mr. Ray, and the *Notice of Public Hearing* were available for distribution at the meeting. The proposed amended and new regulations have been available on the KSBMA web site since April 26, 2011 with copies of all material also available through the office of the Kansas State Board of Mortuary Arts.

There were no members from the public in attendance.

(Holroyd-Smith) To adopt K.A.R. 63-1-6 as presented. Carried.

(Holroyd-Smith) To adopt K.A.R. 63-4-1 as presented. Carried.

(Holroyd-Smith) To adopt K.A.R. 63-6-2 as presented. Carried.

(Holroyd-Smith) To adopt K.A.R. 63-6-3 as presented. Carried.

(Smith-Holroyd) To adopt K.A.R. 63-7-1 as amended. Carried. Alphabetical corrections with (b) and (c) have been made at the direction of the Joint Committee of Administrative Rules and Regulations. The words "or consumable" were added to (f) (1) based on written public comment made by Don Ray, a legislative consultant for Matthews Cremation Division.

(Holroyd-Smith) To adopt K.A.R. 63-7-2 as presented. Carried.

(Smith-Holroyd) To adopt K.A.R. 63-7-6 as amended. Carried. The words "and process" were added to (a)(6) and "including those adopted by the Center for Disease Control for Biosafety" in (a)(7)—based on the written public comment made by Mr. Ray.

(Holroyd-Smith) To adopt K.A.R. 63-7-7 as presented. Carried.

(Holroyd-Smith) To adopt K.A.R. 63-7-9 as presented. Carried.

(Holroyd-Smith) To adopt K.A.R. 63-7-10 as presented. Carried.

(Holroyd-Smith) To adopt K.A.R. 63-7-11 as presented. Carried.

Roll call vote:

	<u>Young</u>	<u>C. Smith</u>	<u>Holroyd</u>
K.A.R. 63-1-6 (amended)	Yes	Yes	Yes
K.A.R. 63-4-1 (amended)	Yes	Yes	Yes
K.A.R. 63-6-2 (amended)	Yes	Yes	Yes
K.A.R. 63-6-3 (amended)	Yes	Yes	Yes
K.A.R. 63-7-1 (amended)	Yes	Yes	Yes
K.A.R. 63-7-2 (amended)	Yes	Yes	Yes
K.A.R. 63-7-6 (amended)	Yes	Yes	Yes
K.A.R. 63-7-7 (amended)	Yes	Yes	Yes
K.A.R. 63-7-9 (new)	Yes	Yes	Yes
K.A.R. 63-7-10 (new)	Yes	Yes	Yes
K.A.R. 63-7-11 (new)	Yes	Yes	Yes

A copy of the regulations is included as a part of these minutes.

Changes adopted by the Board to K.A.R. 63-7-1 and K.A.R. 63-7-6 do not differ in subject matter or effect in any material respect from the originally proposed regulation. Those changes were a logical outgrowth of the originally proposed regulation.

The public hearing was concluded.

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**IX.** The board met with *Applicants for Licensure*:

**Embalmer-Funeral Director Applicant: Ms. Sara N. (Buckley) Lancaster**

(Holroyd-Smith) To grant an embalmer license upon completion of apprenticeship, payment of an initial license fee of \$119.00 and to grant a funeral director license upon completion of apprenticeship, payment of an initial license fee of \$34.00 and passing of the written funeral directors' examination, which will be administered later today. Carried. With continuous employment,

Ms. Lancaster is scheduled to complete her apprenticeships on August 11, 2011 at Charter Funerals in Merriam, Kansas on August 11, 2011. Once issued, the renewal date for the licenses would be December 31, 2012. Ms. Lancaster attended Northwest Missouri State University in Maryville, Missouri and earned an Associate in Applied Science Degree in Mortuary Science at Kansas City Kansas Community College in Kansas City, Kansas.

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**Embalmer-Funeral Director Applicant: Mr. Anthony G. Copeland**

(Smith-Holroyd) To grant an embalmer license upon completion of apprenticeship, payment of an initial license fee of \$56.00 and to grant a funeral director license upon completion of apprenticeship, payment of an initial license fee of \$16.00 and passing of the written funeral directors' examination, which will be administered later today. Carried. With continuous employment, Mr. Copeland is scheduled to complete his apprenticeships on August 24, 2011 at Buhler Mortuary in Buhler, Kansas. Once issued, the renewal date for the licenses would be March 31, 2012. Mr. Copeland attended Missouri Western State College in St. Joseph, Missouri and earned an Associate in Applied Science Degree in Mortuary Science at Kansas City Kansas Community College in Kansas City, Kansas.

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**Funeral Director Applicant: Ms. April R. Rowland**

(Holroyd-Smith) To grant a funeral director license upon payment of an initial license fee of \$24.00 and passing of the written funeral directors' examination, which will be administered later today. Carried. Ms. Rowland completed her funeral directing apprenticeship on June 9, 2011 at Davidson Funeral Home in Topeka, Kansas. Once issued, the renewal date for the funeral director license would be June 30, 2013. Ms. Rowland earned a Master Degree in Criminal Justice at Washburn, University in Topeka, Kansas.

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**Funeral Director Applicant: Ms. Kirbykay Johnson**

(Smith-Holroyd) To grant a funeral director license upon payment of an initial license fee of \$32.00 and passing of the written funeral directors' examination, which will be administered later today. Carried. Ms. Johnson completed her funeral directing apprenticeship on July 6, 2011 at All Faiths Mortuary and Crematory in Wichita, Kansas. Part of her funeral directing apprenticeship was served at Beckwith Mortuary in Larned, Kansas. Once issued, the renewal date for the funeral director license would be October 31, 2012. Ms. Johnson attended Highland Community College in Highland, Kansas and earned an Associate in Applied Science degree in Mortuary Science at Kansas City Kansas Community College in Kansas City, Kansas.

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**Embalmer-Funeral Director Applicant: Mr. Justin A. Stelling**

(Holroyd-Smith) To grant an embalmer license upon payment of an initial license fee of \$175.00 and to grant a funeral director license upon payment of an initial license fee of \$50.00 and passing of the written funeral directors' examination,

which will be administered later today. Carried. Mr. Stelling completed his apprenticeships on June 4, 2011 at Tibbetts-Fischer Funeral Home in Belleville, Kansas. Once issued, the renewal date for the licenses would be July 31, 2013. Mr. Stelling attended Southeast Community College in Lincoln, Nebraska and earned an Associate in Applied Science Degree in Mortuary Science at Kansas City Kansas Community College in Kansas City, Kansas.

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**Embalmer-Funeral Director Applicant: Mr. John C. Bayliss**

(Smith-Holroyd) To grant an embalmer license upon completion of apprenticeship, payment of an initial license fee of \$49.00 and to grant a funeral director license upon completion of apprenticeship, payment of an initial license fee of \$14.00 and passing of the written funeral directors' examination, which will be administered later today. Carried. With continuous employment, Mr. Bayliss is scheduled to complete his apprenticeships on August 23, 2011 at Derfelt's Baxter Chapel in Baxter Springs, Kansas. Once issued, the renewal date for the licenses would be February 28, 2012. Mr. Bayliss earned an Associate in Applied Science Degree in Mortuary Science at Kansas City Kansas Community College in Kansas City, Kansas.

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**Embalmer-Funeral Director Applicant: Ms. Kimberly R. Manchego**

(Smith-Holroyd) To grant an embalmer license upon completion of apprenticeship, payment of an initial license fee of \$126.00 and to grant a funeral director license upon completion of apprenticeship, payment of an initial license fee of \$36.00 and passing of the written funeral directors' examination, which will be administered later today. Carried. With continuous employment, Ms. Manchego is scheduled to complete her apprenticeships on August 3, 2011 at Newcomer Funeral Homes in Aurora, Colorado. Once issued, the renewal date for the licenses would be January 31, 2013. Ms. Manchego attended Pueblo Community College in Pueblo, Colorado and earned an Associate of Applied Science Degree in Mortuary Science at Arapahoe Community College in Littleton, Colorado.

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**Reciprocal (Texas) Embalmer-Funeral Director Applicant: Mr. M. Dewayne Spire**

(Smith-Holroyd) To grant a reciprocal embalmer license upon payment of a \$175.00 initial license fee and to grant a reciprocal funeral director license upon payment of a \$237.50 initial license fee and passing the written funeral director examination, which will be administered later today. Carried. The renewal date for the licenses would be July 31, 2013. Mr. Spire was granted a Texas funeral director-embalmer license on February 9, 2007. He earned an Associate in Applied Science Degree in Funeral Service at the Dallas Institute of Funeral Service in Dallas, Texas. He passed the national examination administered by International Conference of Funeral Service Examining Boards in 2005.

### **Reciprocal (Missouri) Embalmer Applicant: Ms. Sheila A. Barcus**

(Smith-Holroyd) To grant a reciprocal embalmer license upon payment of a \$56.00 initial license fee. Carried. The renewal date for the embalmer license would be February 28, 2012. Ms. Barcus was granted a Missouri embalmer license on April 1, 2009. She earned an Associate in Applied Science Degree in Funeral Service at the Dallas Institute of Funeral Service in Dallas, Texas. She passed the national examination administered by International Conference of Funeral Service Examining Boards in 2007 and will be employed at DW Newcomer's Sons Overland Park Chapel in Overland Park, Kansas.

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Assistant Attorney General Mendoza left the meeting.

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### **Reciprocal (West Virginia) Embalmer-Funeral Director Applicant: Mr. Aaron E. Hott**

(Smith-Holroyd) To grant a reciprocal embalmer license upon payment of a \$98.00 initial license fee and to grant a reciprocal funeral director license upon payment of a \$133.00 initial license fee and passing the written funeral director examination, which will be administered later today. Carried. The renewal date for the licenses would be August 31, 2012. Mr. Hott was granted a West Virginia funeral service (funeral director & embalmer) license on November 10, 2004. He earned the equivalent of an Associate in Applied Science Degree in Funeral Service at the Pittsburgh Institute of Mortuary Science in Pittsburgh, Pennsylvania. He passed the national examination administered by International Conference of Funeral Service Examining Boards in 2004 and will be employed at Larrison Mortuaries in Pratt and Medicine Lodge, Kansas.

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### **Reciprocal (Missouri) Funeral Director Applicant: Mr. Peter J. McGilley**

(Holroyd-Smith) To grant a reciprocal funeral director license upon payment of a \$38.00 initial license fee and passing the written funeral director examination, which will be administered later today. Carried. The renewal date for the license would be January 31, 2013. Mr. McGilley was granted a Missouri funeral director license on April 4, 2005. He earned a Bachelor of Arts Degree in Political Science at the University of Missouri in Columbia, Missouri. He is currently an assistant funeral director at McGilley and Hoge Johnson County Memorial Chapel in Overland Park, Kansas.

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## **X. Election of Officers**

(Holroyd-Young) To nominate Mr. Smith as KSBMA **President**. Carried. The motion was approved (unanimously.)

(Young-Smith) To nominate Mr. Holroyd as KSBMA **Vice President**. Carried. The motion was approved (unanimously.)

President Smith appointed members to the following committees:

**Continuing Education Committee:** Mr. Holroyd and Mr. Bedene.

**Investigative Committee:** Mr. Young and Mr. Smith.

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**XI. New/Old/Remaining Business/Adjournment**

(Smith-Holroyd) To adjourn—subject to recall by the president, vice president or executive secretary. Carried. The date of the next regularly scheduled board meeting is Thursday, October 13, 2011.

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At approximately 1:30 p.m. Executive Secretary Smith read instructions to the funeral directors' examinee applicants prior to the administration of the funeral directors' examination which was proctored by Inspector Francis Mills in the Florentine Room of the Jayhawk Tower. The results of that examination are a part of these minutes.

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Respectfully submitted:

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Charles R. Smith, President  
Thursday, October 13, 2011  
(Date)

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Mack Smith, Executive Secretary  
Thursday, October 13, 2011  
(Date)

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